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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/690,833
Filing Date: October 22, 2003
Appellant(s): DENNEY ET AL.

Bruce S. Itchkawitz
2040 Main Street
Fourteenth Floor
Irvin, CA 92614
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 4/29/08 appealing from the Office action mailed 1/11/08.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

11/401,116; 11/401,114 and 11/363,805 (notice of appeal and pre-appeal conferences to date)

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,977,515	URAKI et al.	11-1999
6,507,000	OTSUBO et al.	1-2003
6,693,255	FREIWALD et al.	2-2004
3,369,101	DiCurcio	2-1968

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uraki et al. (USPN 5,977,515) in view of Otsubo et al. (USPN 6,507,000), Freiwald (USPN 6,693,255) and DiCurcio (USPN 3,369,101).

Uraki et al. discloses an underwater laser-processing chamber 38 (housing). The laser (6) is contained within the chamber, which contains a mirror (40) and a lens (7). Although there are partitions to negate contamination of the laser machining area there are no means of removing the debris.

Otsubo et al. discloses a dust collector for a laser-drilling machine. The containment collector is placed between the lens table (1) of the laser and the workpiece (4). Machining debris is collected in the containment area (B) and then swept out through (7a). It would have been obvious to one of ordinary skill in the art at the time of the invention to use a containment collector as taught by Otsubo et al. in the Uraki et al. system because the debris can be removed from the work or machining

zone and hence yielding an optimal product. Otsubo et al. does not teach cooling of the containment collector.

Freiwald et al. discloses a system for laser ablation and cleaning. Material and vapor ablated from the workpiece 15 is removed from the vicinity of the cleaning head 20 by means of a powered vacuum and filtration unit 40. The vacuum unit is equipped with a conventional blower to create reverse pressure in the flex vacuum hose 42. Flex vacuum hose is in fluid communication between the vacuum filtration unit and the cleaning head, so that ablated particulates and vapors are sucked from the head to the unit, where filtration of the air stream is accomplished. The cleaning head must permit some ambient air to enter the nozzle, in order to cool the ablated material and dilute and entrain the ablated material for easier filtration. In addition for high-powered lasers water-cooling may be used. (abstract, cols. 5-6)

It would have been obvious to one of ordinary skill in the art at the time of the invention to use air cooling or water cooling as taught by Freiwald et al. in the Otsubo et al. and Uraki et al. system because cooling of the machining debris negates contamination effects on the optics and potential redeposition of debris on the workpiece surface.

DiCurcio discloses a conduit for cooling fluids to the optical region.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a cooling conduit as taught by DiCurcio in the Uraki et al. system because it is merely a part of the cooling system.

(10) Response to Argument

Claims 1-22 Are Not Obvious in View of Uraki, Otsubo, Freiwald, and DiCurcio.

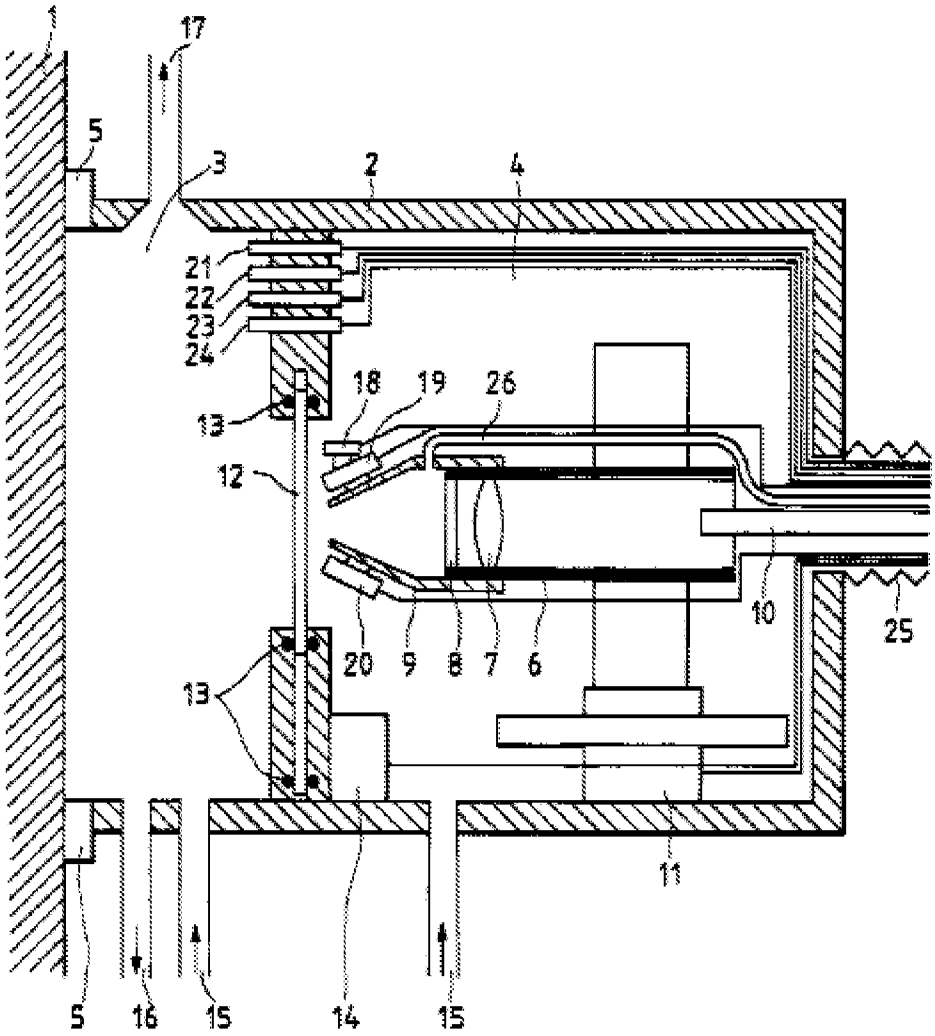
Appellant argues that there is no motivation to combine the references. In response to appellant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the references are drawn to lasers and laser processing.

The Combination of Uraki, Otsubo, Freiwald, And DiCurcio Does Not Disclose The Laser Head Recited By Claims 1-22.

In response to appellant's arguments, the recitation, *the laser head*, has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Appellant argues in the above title that the laser head recited in the claims is not taught by the prior. The examiner respectfully disagrees because Uraki et al. discloses a laser torch (6) which is a laser head (see Uraki et al. Figure 1, below)

FIG. 1



Uraki et al. (USPN 5,977,515) <u>Underwater</u> laser processing device including chamber with partitioning wall.

Appellant argues that Uraki et al. does not disclose or suggest that the plenum is "cooled by a cooling medium flowing through a coolant conduit" as recited by claim 1, of the present application. The examiner respectfully disagrees for the following reasons:

Uraki et al. discloses:

…The compartment 3 (plenum) has a structure which is open to the water environment, that is, it allows permeation of water when it is not in contact with the surface of an underwater structure 1… (col. 7, lines 52-56)

And

…Next, the chamber 2 is disposed on a target portion of the structure … After that, water in the compartment 3 in with the surface of the underwater structure 1 is discharged by the water discharging mechanism 16 such as a vacuum pump and an inert gas is injected into the compartment 3 by the gas injecting mechanism 15. (col. 8, lines 18-25)

Furthermore,

…injecting air or a dry gas from a gas injecting mechanism 15. (col. 12, lines 17-18)

…Alternatively, a dry gas injecting mechanism may be provided separately from the gas injecting mechanism 15 for substituting a non-inert gas injected in the compartment for an inert gas thereby providing a dry gas atmosphere in the interior of the compartment. As shown in FIG. 1, the atmosphere in the compartment is monitored in terms of the gas flow rate, pressure, temperature and moisture by a gas flow rate monitoring mechanism 24, a pressure monitoring mechanism 23, a temperature monitoring mechanism 21, and a moisture monitoring mechanism 22, and is controlled in a suitable state by measuring/adjusting systems 72 to 75…. (col. 12, lines 44-55)

…The injected gas may be a dry inert gas…. (col. 15, line 66)

Thus the water and/or injected gas, as taught by Uraki et al. are flowing and cooling the plenum (compartment 3); as evidenced by the Uraki et al. gas flow rate monitoring (24) and the temperature monitoring (21). It is the examiner's position that it is well known that flowing medium is generally used for cooling. Uraki et al. teaches a flowing medium and inherently teaches a cooling medium. Secondarily Uraki et al. discloses an injection mechanism but does not specifically describe the mechanism. It is the examiner's position that an injection mechanism would most likely include the use of a pipe, tube or conduit. Thus the conduit although not explicitly recited is inherently taught by Uraki et al. Third, the plenum (compartment 3) and associated structure is underwater, hence the system is inherently passively cooled by the outside body of water.

Appellant argues that Otsubo does not disclose or suggest that the dust collector is "cooled by a flowing medium flowing through a coolant conduit", as recited by Claim 1 of the present application. In response to appellant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Uraki et al. teaches the cooling medium in a plenum and a gas/dust discharging mechanism (17), but does not specifically teach a containment plenum. Otsubo et al.

discloses the collection/confinement of debris and removal, that is, a containment plenum (3/B) with associated draft for material removal.

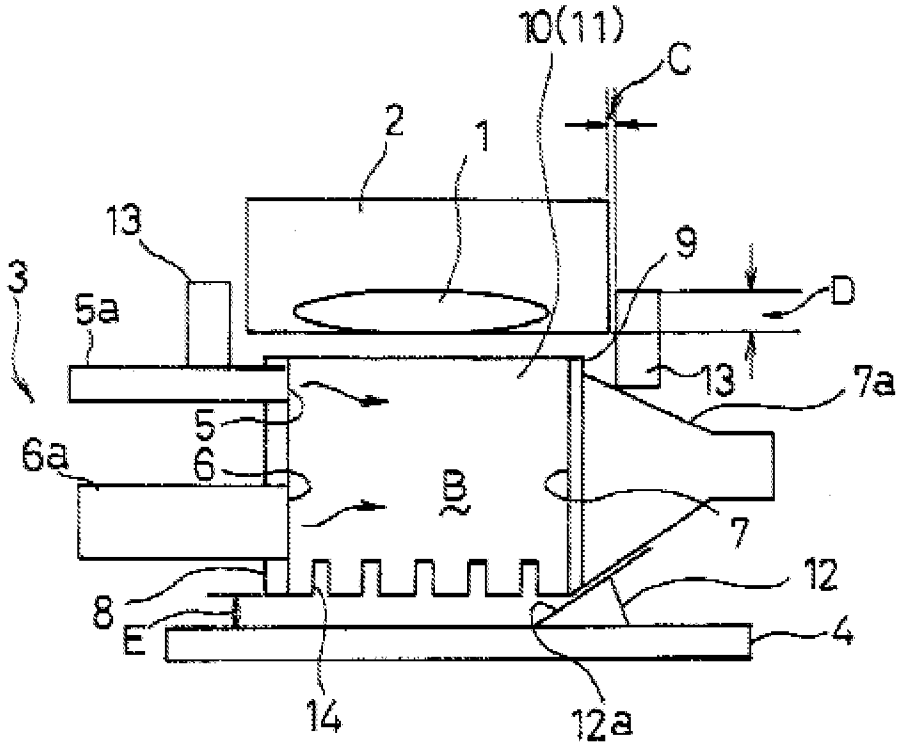


Figure 1 is a schematic cross-sectional view showing a dust collector for a laser drilling machine. ***Otsubo et al. (USPN 6,507,000) Laser Drilling Machine and Method for Collecting Dust***.

Otsubo et al. discloses:

…dust collector 3 (containment plenum 3/B) arranged between the lens table 2 and a workpiece 4 for collecting dust produced during the (laser) drilling process… (col. 2, lines 33-36)

…dust produced during the laser drilling is efficiently removed by the induced draft flowing from the upper and lower inlet ports 5, 6 on the upstream side toward the exhaust port 7 on the downstream side. (col. 2, lines 61-65)

Uraki et al. teaches a laser head (laser torch 6) which is connected to a laser oscillator (69) through an optical fiber element (10) and a plenum (compartment 3). A gas/dust discharging mechanism (17) is taught but actual containment of the debris (gas/dust) is not specifically taught. Otsubo et al. teaches a containment plenum (dust collector 3/B) with removal draft (induced draft from inlet ports 5 & 6) through an exhaust port (7). Hence, Otsubo et al. teaches the missing ***containment*** plenum (3/B), which is suggested by Uraki et al. but not explicitly stated by Uraki et al.

Appellant argues that Freiwald does not disclose or suggest that the ambient air cools the flow assembly and does not disclose or suggest that the flow assembly is "cooled by a cooling medium flowing through a coolant conduit", as recited by Claim 1 of the present application.

In response to appellant's argument that the references fail to show certain features of appellant's invention, it is noted that the features upon which appellant relies (i.e., ambient air) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to appellant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208

USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Uraki et al. teaches a laser head (laser torch 6) which is connected to a laser oscillator (69) through an optical fiber element (10), a plenum (compartment 3), a gas/dust discharging mechanism (17), and a gas flow rate monitor (24). Temperature monitoring (21) is taught but actual temperature is not taught and the recitation of cooling is suggested but not explicitly taught by Uraki et al.

Freiwald et al. disclose a laser processing (ablation) apparatus and the following:

> Material and vapor ablated from the work piece 15 is removed from the vicinity of the cleaning head 20 (laser head)...(col. 5, lines 27-28)
>
> …The cleaning head (laser head) must permit some ambient air to enter the nozzle, in order to ***cool*** the ablated material and dilute and entrain the ablated material for easier filtration…. (col. 5, lines 40-44)
>
> Ablated material is diluted and partially ***cooled by the air stream flowing into the capture chamber 26*** from the baffle stack 25 and from under the rim 38 of the nozzle 27… (col. 6, lines 62-64)

Uraki et al. discloses flowing material through the processing system which implies cooling although does not explicitly state cooling. Freiwald et al. discloses specifically cooling of laser processed (ablated) material (cooling of dust, gas, debris, contamination and so forth). Hence the motivation to combine Uraki et al. and Freiwald et al.

Appellant argues that Freiwald et al. does not disclose or suggest water-cooling of the flow assembly. The examiner respectfully disagrees because water "cooling" (flow with temperature monitoring) is taught by Uraki et al. In response to appellant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Appellant argues that DiCurcio does not disclose or suggest a containment plenum as recited by Claim 1 of the present application and does not disclose or suggest cooling other system components beyond the flash lamp and laser rod. The examiner respectfully notes that the containment plenum is taught by Uraki et al. In response to appellant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

DiCurcio et al. discloses:

> …means 25 must also be provided to cool the laser rod. For this purpose, there is provided a blower motor 60 which delivers a ***stream of cooling gas through conduit 61 to the optical cavity***. This stream of cooling gas will be directed, by means not shown, over rod '126 and flash-lamp 40 to 30 cool these elements between pulses…. (col. 4, lines 24-30)

Thus DiCurcio et al. teaches the use of a conduit for transport of a cooling medium. Uraki et al. discloses a mechanism but does not specifically teach the use of a conduit. Hence the need for DiCurcio et al. to teach the use of a conduit (tube or pipe) for the transport of cooling medium.

Appellant argues that the combination of Uraki, Otsubo, Freiwald and DiCurcio does not disclose or suggest a "containment plenum.... cooled by a cooling medium flowing through a coolant conduit of the containment plenum" as recited by Claim 1 of the present application. The examiner respectfully disagrees because:

Uraki et al. teaches a laser head (laser torch 6) which is connected to a laser oscillator (69) through an optical fiber element (10) and a plenum (compartment 3). A gas/dust discharging mechanism (17) is taught but actual containment of the debris (gas/dust) and associated removal is not specifically taught. Otsubo et al. teaches a containment plenum (dust collector 3/B) with removal draft (induced draft from inlet ports 5 & 6) through an exhaust port (7). Hence, Otsubo et al. teaches the missing ***containment*** plenum, which is suggested by Uraki et al. but not explicitly stated by Uraki et al.

Uraki et al. teaches a laser head (laser torch 6) which is connected to a laser oscillator (69) through an optical fiber element (10), a plenum (compartment 3), a gas/dust discharging mechanism (17), and a gas flow rate monitor (24). Temperature monitoring (21) is taught. However, the recitation of cooling is suggested and not explicitly taught by Uraki et al. Freiwald et al. discloses specifically cooling of laser

processed (ablated) material (cooling of dust, gas, debris, contamination and so forth). Hence the motivation to combine Uraki et al. and Freiwald et al.

DiCurcio et al. teaches the use of a conduit for transport of a cooling medium. Uraki et al. discloses a mechanism but does not specifically teach the use of a conduit. Hence the need for DiCurcio et al. to teach the use of a conduit (tube or pipe) for the transport of cooling medium.

Appellant argues that the combination of Uraki, Otsubo, Freiwald and DiCurcio does not disclose a "confining means… cooled by a coolant medium flowing through a conduit of the confining means" as recited by Claim 19 of the present application. The examiner respectfully disagrees because:

1) Uraki et al. discloses the primary apparatus with a laser head (6) in a plenum (compartment 3). A fiber optic element (10) connects the laser head (6) to a remote laser oscillator (generator 69). Flowing medium: water, gas, inert gas, dry gas, air and so forth is contained within the plenum (compartment 3). There is a discharge mechanism (16), an injection mechanism (15), a gas flow rate monitor (24) and a temperature monitor (21). It is the examiner's position that it is well known that flowing medium is generally used for cooling. Uraki et al. teaches a flowing medium and inherently teaches cooling of the plenum (compartment 3). Uraki et al. discloses an injection mechanism (17), but does not specifically describe the mechanism. It is the examiner's position that an injection mechanism suggests the use of a pipe, tube or conduit. Thus the conduit although not explicitly recited is inherently taught by Uraki et

al. In the alternative, DiCurcio et al. teaches cooling of laser parts using a cooling conduit. Hence the use of the DiCurcio et al. reference.

2) Otsubo et al. discloses a laser processing containment plenum (dust collector 3/B) which generates a draft (5 & 6) and exhausts material (through port 7). Uraki et al. states a plenum (compartment 3) but does not specifically teach containment which is taught by Otsubo et al.

3) Freiwald et al. discloses specifically cooling of laser processed (ablated) material (cooling of dust, gas, debris, contamination and so forth). Uraki et al. discloses flowing mediums (water and gases) and temperature monitoring; the cooling aspect is not explicitly stated. Hence the need for Freiwald et al.

It Would Not Be Obvious To Combine Uraki, Otsubo, Freiwald and DiCurcio.

Appellant argues that there is no motivation to combine Uraki and DiCurcio. In response to appellant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the rejection is based on the

combination of Uraki et al. Otsubo et al., Freiwald et al. and DiCurcio et al. and not just Uraki et al. and DiCurcio et al.

Uraki et al. discloses, teaches or suggests a laser head (laser torch 6) which is connected to a laser oscillator (69) through an optical fiber element (10), a plenum (compartment 3), and a gas/dust discharging mechanism (17), a gas flow rate monitor (24) and a temperature monitor (21).

Uraki et al. discloses an injection mechanism (17), but does not specifically describe the mechanism. It is the examiner's position that an injection mechanism suggests the use of a pipe, tube or conduit. Thus the conduit although not explicitly recited is inherently taught by Uraki et al. In the alternative DiCurcio et al. teaches cooling of laser parts using a cooling conduit.

Appellant argues that in Uraki et al., the optical cavity containing a heat-generating laser light generator is spaced well away from the containment plenum. Appellant further argues that utilizing the cooling conduit disclosed in DiCurcio et al. to cool the optical cavity of the Uraki et al. system would not provide cooling of the containment plenum. Lastly, Appellant argues that the cooling conduit disclosed by DiCurcio et al. would not provide cooling of the dust collector of Otsubo et al. or the flow assembly of Freiwald. The examiner respectfully disagrees with all three of appellant's arguments for the following reasons:

1) DiCurcio et al. was used to teach a cooling ***conduit*** for laser parts. Uraki et al. teaches a discharge and an injection mechanism for flowing medium but does not specifically teach a conduit, thus the need for DiCurcio et al.

2) In Uraki et al. the laser light generator (oscillator) is remote from the chamber (2) and the plenum (compartment 3). At issue is not the cooling of the oscillator but of the plenum (compartment 3). Flowing medium: water, gas, inert gas, dry gas, air and so forth is contained within the plenum (compartment 3). Firstly, it should be noted that Uraki et al. operates underwater and hence there is an inherent cooling from the presence of the large body of water outside the chamber (2). Furthermore, prior to operation of the laser there is water present in the plenum (compartment 3); this is then discharged (mechanism 16) and replaced with an injected gas (mechanism 15). In addition the water and/or injected gas are flowing and cooling the plenum (compartment 3); as evidenced by the Uraki et al. gas flow rate monitor (24) and the temperature monitor (21). It is the examiner's position that it is well known that flowing medium is generally used for cooling. Uraki et al. teaches a flowing medium and inherently teaches a cooling of the plenum (compartment 3).

3) Otsubo et al. discloses a laser processing containment plenum (dust collector 3) which generates a draft (5 & 6) and exhausts material (through port 7). Uraki et al. states a plenum (compartment 3) but does not specifically teach containment which is taught by Otsubo et al.

4) Freiwald et al. discloses specifically cooling of laser processed (ablated) material (cooling of dust, gas, debris, contamination and so forth). Uraki et al. discloses

flowing mediums (water and gases) and temperature monitoring but the cooling aspect is not explicitly stated. Hence the need for Freiwald et al.

Appellant's argues the cooling conduit disclosed by DiCurcio would not provide cooling of the dust collector of Otsubo or the flow assembly of Freiwald. The examiner respectfully notes that the rejection of the claims has been taken out of context by the Appellant. The claims are rejected over Uraki et al. in view of Otsubo et al., Freiwald et al. and DiCurcio et al. Uraki et al., the primary reference, teaches the main laser apparatus, plenum, flowing medium and so forth. DiCurcio et al. is used to teach a CONDIUT, while Otsubo et al. teaches a CONTAINMENT plenum and Freiwald et al. teaches COOLING of laser processed material.

Appellant argues that neither Uraki et al. nor DiCurcio (nor Otsubo or Freiwald) disclose that the containment plenum is exposed to sufficient heat to warrant cooling using cooling conduits, and such knowledge was not known within the level of ordinary skill at the time of claimed invention was made, so persons skilled in the art would not expect such cooling to be useful. The examiner respectfully disagrees and takes the position that from a common sense perspective; generally speaking, most machining operations require some form of cooling. Thus it would be within the level of ordinary skill at the time of the invention to use cooling during laser machining.

Appellant argues that Uraki is designed for underwater welding, Freiwald for laser ablation and Otsubo for drilling and there is no motivation to combine the references. The examiner respectfully notes that appellant's claims state the limitation of material removal using a laser head. Uraki et al. discloses laser alloying and the forming of new surfaces using a laser. It is within the scope of Uraki et al. to removal material during the alloying process and so forth. DiCurcio et al. teaches laser micro-processing whereby the laser micro-heat source produces changes in materials in localized regions. It is within the scope of DiCurcio et al. to remove material during the material change process. Freiwald et al. discloses laser ablation which is a well known laser process for removing material. Otsubo et al. discloses laser drilling which also involves the removal of material. All these references fall within appellant's claim limitation of laser removal of material.

Appellant argues that the references require differing distances and gaps and thus would yield no expectation of success and would render the modified art unsatisfactory for its intended purpose. The examiner respectfully disagrees because distances and gaps are not limitations in appellant's claims. Furthermore, in response to appellant's argument that dimensions (distances and gaps) render the references uncombinable, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would

have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Appellant argues that it would not be obvious to combine Uraki, Otsubo, and Freiwald since doing so would yield no expectation of success, and would render the modified prior art unsatisfactory for its intended purpose. The examiner respectfully disagrees because:

1) Uraki et al. discloses a laser head (6) in a plenum (compartment 3). A fiber optic element (10) connects the laser head (6) to a remote laser oscillator (generator 69). Flowing medium: water, gas, inert gas, dry gas, air and so forth is contained within the plenum (compartment 3). There is a discharged mechanism (16), an injection mechanism (15), a gas flow rate monitor (24) and a temperature monitor (21). It is the examiner's position that it is well known that flowing medium is generally used for cooling. Uraki et al. teaches a flowing medium and inherently teaches a cooling medium of the plenum (compartment 3). Uraki et al. discloses an injection mechanism (17), but does not specifically describe the mechanism. It is the examiner's position that an injection mechanism suggests the use of a pipe, tube or conduit. Thus the conduit although not explicitly recited it is inherently taught by Uraki et al. In the alternative DiCurcio et al. teaches cooling of laser parts using a cooling conduit.

2) Otsubo et al. discloses a laser processing containment plenum (dust collector 3) which generates a draft (5 & 6) and exhausts material (through port 7). Uraki et al.

states a plenum (compartment 3) but does not specifically teach containment which is taught by Otsubo et al.

3) Freiwald et al. discloses specifically cooling of laser processed (ablated) material (cooling of dust, gas, debris, contamination and so forth). Uraki et al. discloses flowing mediums (water and gases) and temperature monitoring but the cooling aspect is not explicitly stated. Hence the need for Freiwald et al.

Appellant argues that ambient air required by Freiwald is unavailable for the system discloses by Uraki because Uraki et al. teaches the use of a chamber underwater. The examiner respectfully notes that the rejection has been taken out of context by the Appellant because Freiwald et al. is used to teach cooling. Uraki et al. discloses the following flowing medium: water, inert gas, air, dry gas and dry inert gas. Additionally, the examiner notes that ambient air is not a limitation in appellant's claims. In response to appellant's argument that the references fail to show certain features of appellant's invention, it is noted that the features upon which appellant relies (i.e., ambient air) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/M. Alexandra Elve/

Primary Examiner, Art Unit 3742

Conferees:

/Henry Yuen/

Henry Yuen

Special Programs Examiner, TC 3700

/TU B HOANG/

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